

No.

200100279

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Western Plant Breeders, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (34 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT, COMMON

'CDC Falcon'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this eighteenth day of April, in the year two thousand two.

Attest:

William J. ...

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Benjamin ...

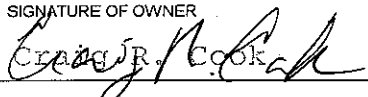
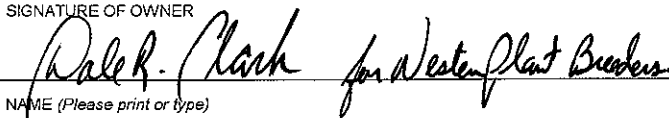
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Western Plant Breeders, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME S94-4		3. VARIETY NAME CDC Falcon	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 8111 Timberline Drive Bozeman, MT. 59718		5. TELEPHONE (include area code) (406) 587-1218		<div style="background-color: #cccccc; text-align: center; font-weight: bold;">FOR OFFICIAL USE ONLY</div> PVPO NUMBER 200100279 FILING DATE Sept. 10, 2001	
6. FAX (include area code) (406) 586-8247		7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION Arizona	
9. DATE OF INCORPORATION Aug. 24, 1990		10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Craig R. Cook Dale R. Clark Western Plant Breeders 8111 Timberline Drive Bozeman, MT. 59718		<div style="border: 1px solid black; padding: 5px;"> FILING AND EXAMINATION FEES: \$ 2705.00 DATE 9/10/01 CERTIFICATION FEE: \$ 320.00 DATE 3/8/02 </div>	
11. TELEPHONE (include area code) (406) 587-1218	12. FAX (include area code) (406) 586-8247	13. E-MAIL ccook@westbred.com	14. CROP KIND (Common Name) wheat		
18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,705), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)			19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act <input type="checkbox"/> YES (If "yes", answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (If "no," go to item 22) 20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED 21. DOES THE OWNER SPECIFY THAT THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS? IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)		
22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)			23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)		
24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER  NAME (Please print or type) Craig R. Cook			SIGNATURE OF OWNER  NAME (Please print or type) Dale R. Clark		
CAPACITY OR TITLE Wheat Breeder		DATE 9-6-2001		CAPACITY OR TITLE Barley and Wheat Breeder	
DATE Sept 6, 2001					

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$2,705 (\$320 filing fee and \$2,385 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfiled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$320 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvp.htm>

ITEM

- 18a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
(2) the details of subsequent stages of selection and multiplication;
(3) evidence of uniformity and stability; and
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 18b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
(1) identify these varieties and state all differences objectively;
(2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 18c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 18d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 18e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
19. If "Yes" is specified (seed of this variety be sold by variety name only, as a class of certified seed), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
21. See Section 83 of the Act for the Contents and Term of Plant Variety Protection.
22. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
23. See Section 5.5 of the Act for instructions on claiming the benefit of an earlier filing date.

21. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

22. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

Sept. 1999 Canada

Sept. 2000 USA (09/15/00) 1:30-02

23. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant must check the variety names proposed by contacting: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center-East, Beltsville, MD 20705. Telephone: (301) 504-8089.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact the USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

S&T-470 (2-99) designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces STD-470 (6-98) which is obsolete.

“CDC Falcon”

Hard Red Winter Wheat

18.a. Exhibit A. Origin and Breeding History

CDC Falcon is a hard red winter wheat selected from the progeny of the cross Norstar*2/Vona//Abilene made in 1988 by Dr. Brian Fowler from the Crop Development Centre at the University of Saskatchewan. CDC Falcon was selected for its high level of leaf and stem rust resistance. The F_1 and F_2 generations were produced in a greenhouse. F_2 -derived F_3 lines and F_3 -derived F_4 lines were grown in the field at Saskatoon where winter hardiness, height, straw strength, disease reaction, and plant and kernel type were evaluated. Wheat quality characteristics of CDC Falcon include a superior falling number and amylograph viscosity. Protein % is slightly less than that of Morgan, but has a higher sedimentation value giving it a higher bake score. F_4 single head selections were made in the fall of 1990. These selections were grown as F_5 head rows in an artificially inoculated rust nursery under irrigation at Saskatoon in 1990-91. Head rows and single plants from these head rows were selected for further evaluation in yield trials and in an artificially inoculated rust nursery in Saskatchewan in 1992 and 1993. F_7 single rows, one of which was later designated S94-4, were selected in the 1993 disease nursery. S94-4 was again selected for its good agronomic performance, bread making quality and disease reaction in trials grown in Saskatchewan in 1994, and entered into the Central Hard Red Winter Wheat Co-operative Tests in the fall of 1994, 1995, 1996. S94-4 was approved for Registration in Canada by the Prairie Registration Recommending Committee for Grain in February, 1998.

"CDC Falcon"

Hard Red Winter Wheat

CDC Falcon originated from a single line that was selected from F₉ head rows. The breeders seed was increased and Western Plant Breeders received a bulk from the F₁₁ head rows.

Seed was first sent to Western Plant Breeders in October of 1997 for testing purposes. The first Breeders seed was sent in August 1998 and planted in September 1998 to produce additional Breeders seed that was harvested in August of 1999. This seed was planted in December, 1999 to produce Foundation Seed. Foundation and Certified seed was harvested in August, 2000. Certified seed was first sold to growers September 15, 2000.

A variant that is similar to "CDC Falcon", but is 4 to 6 inches taller, occurs at a frequency of up to .08% (8 per 10,000 plants). Otherwise "CDC Falcon" is a stable and uniform variety in appearance and performance across several generations (F₆ to F₁₂) and growing conditions.

“CDC Falcon”

Hard Red Winter Wheat

18.b Exhibit B. Statement of Distinctiveness

CDC Falcon is most similar to the variety Morgan. CDC Falcon seed is ovate shape while Morgan seed is oval. The glume shoulders of CDC Falcon are wanting where the glume shoulders of Morgan are oblique.

Table 1. Agronomic characteristics of CDC Falcon compared to check variety Morgan in Western Pant Breeders and Montana State University trials 1997-2000 (avg. of 13 locations).

<u>Entry</u>	<u>Heading</u> <u>Date</u>	<u>Plt. Ht.</u> <u>(cm)</u>	<u>T.W.</u> <u>(lbs/bu)</u>	<u>Protein</u> <u>%</u>	<u>SED</u> <u>(mm)</u>	<u>bu/ac</u> <u>AVG</u>
	<u>Julian Days</u>					
Morgan MSU 2000	158	91	62	13.3		59
Morgan WPB 2000		76	62	14.8	113	62
Morgan WPB 1999	177	94	58	14.3	113	75
Morgan WPB 1998	181	99	59	12.7	90	80
Morgan WPB 1997	<u>168</u>	<u>94</u>	<u>62</u>	<u>11.3</u>	<u>80</u>	<u>89</u>
AVG	171	91	60	13.3	99	73
CDC Falcon MSU 2000	156	79	61	12.5		61
CDC Falcon WPB 2000		64	62	14.7	118	68
CDC Falcon WPB 1999	172	86	59	13.7	119	86
CDC Falcon WPB 1998	177	74	59	12.4	102	91
CDC Falcon WPB 1997	<u>167</u>	<u>79</u>	<u>61</u>	<u>11.2</u>	<u>96</u>	<u>89</u>
AVG	168	76	61	13.0	108	79

“CDC Falcon”

REPRODUCE LOCALLY. Include form number and date on all reproductions.

Form Approved - OMB No. 0581-0055

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact the USDA's TARGET Center at 202-720-2600 (voice and TDD).

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT C
(Wheat)

OBJECTIVE DESCRIPTION OF VARIETY
WHEAT (*Triticum* spp.)

NAME OF APPLICANT(S) Western Plant Breeders, Inc.	FOR OFFICIAL USE ONLY
ADDRESS (Street and No. or RD No., City, State, and Zip Code) 8111 Timberline Drive Bozeman, MT. 59718	PIVPO NUMBER 200100279
	VARIETY NAME CDC Falcon
	TEMPORARY OR EXPERIMENTAL DESIGNATION S94-4

PLEASE READ ALL INSTRUCTIONS CAREFULLY: Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (e.g. or) when number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used:
Please answer all questions for your variety; lack of response may delay progress of your application.

1. KIND:

1=Common

2=Durum

3=Club

4=Other (SPECIFY):

2. VERNALIZATION:

1=Spring

2=Winter

3=Other (SPECIFY):

3. COLEOPTILE ANTHOCYANIN:

1=Absent

2=Present

4. JUVENILE PLANT GROWTH:

1=Prostrate

2=Semi-erect

3=Erect

5. PLANT COLOR (boot stage):

1 = Yellow-Green

2 = Green

3 = Blue-Green

6. FLAG LEAF (boot stage):

1 = Erect

2 = Recurved

1 = Not Twisted

2 = Twisted

7. EAR EMERGENCE:

Number of Days Earlier Than Morgan

Number of Days Later Than Rocky

8. ANTHER COLOR:

☐ 1

1 = Yellow

2 = Purple

9. PLANT HEIGHT (from soil to top of head, excluding awns):

☐ 14cm Taller Than Garland☐ 15cm Shorter Than Morgan

* Relative to a PVPO-Approved Commercial Variety Grown in the Same Trial

10. STEM:

A. ANTHOCYANIN

☐ 2

1 = Absent

2 = Present

B. WAXY BLOOM

☐ 2

1 = Absent

2 = Present

C. HAIRINESS (last internode of rachis)

☐ 2

1 = Absent

2 = Present

D. INTERNODE (SPECIFY NUMBER)

☐ 1

1 = Hollow

2 = Semi-solid

3 = Solid

E. PEDUNCLE

☐ 2

1 = Absent

2 = Present

☐ 40

cm Length

11. HEAD (at Maturity):

A. DENSITY

☐ 1

1 = Lax

2 = Middense

3 = Dense

B. SHAPE

☐ 2

1 = Tapering

2 = Strap

3 = Clavate

4 = Other (SPECIFY):

C. CURVATURE

☐ 1

1 = Erect

2 = Inclined

3 = Recurved

D. AWNEDNESS

☐ 4

1 = Awnless

2 = Apically Awnletted

3 = Awnletted

4 = Awned

12. GLUMES (at Maturity):

A. COLOR

☐ 1

1 = White

2 = Tan

3 = Other (SPECIFY):

C. BEAK

☐ 3

1 = Obtuse

2 = Acute

3 = Acuminate

B. SHOULDER

☐ 1

1 = Wanting

2 = Oblique

3 = Rounded

4 = Square

5 = Elevated

6 = Apiculate

D. LENGTH

☐ 2

1 = Short

2 = Medium

(ca. 7mm)

(ca. 8mm)

3 = Long (ca. 9mm)

GLUMES (at Maturity) Continued:

E. WIDTH

- ☒ 1 = Narrow (ca. 3mm) 2 = Medium (ca. 3.5mm)
3 = Wide (ca. 4mm)

13. SEED:

A. SHAPE

- ☒ 1 = Ovate 2 = Oval 3 = Elliptical

B. CHEEK

- ☒ 1 = Rounded 2 = Angular

E. Color

- ☒ 3 1 = White 2 = Amber 3 = Red
4 = OTHER (Specify)

F. TEXTURE

- ☒ 1 = Hard 2 = Soft

C. BRUSH

- ☒ 2 1 = Short 2 = Medium 3 = Long
☒ 1 1 = Not Collared 2 = Collared

D. CREASE

- ☒ 2 1 = Width 60% or less of Kernel
2 = Width 80% or less of Kernel
3 = Width Nearly as Wide as Kernel
☒ 1 1 = Depth 20% or less of Kernel
2 = Depth 35% or less of Kernel
3 = Depth 50% or less of Kernel

G. PHENOL REACTION (see instructions):

- ☒ 3 1 = Ivory 2 = Fawn
3 = Light Brown 4 = Dark Brown
5 = Black

14. DISEASE: (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

- | | |
|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> 2 Stem Rust (<i>Puccinia graminis</i> f. sp. <i>tritici</i>) | <input checked="" type="checkbox"/> 2 Leaf Rust (<i>Puccinia recondita</i> f. sp. <i>tritici</i>) |
| <input checked="" type="checkbox"/> 0 Stripe Rust (<i>Puccinia striiformis</i>) | <input checked="" type="checkbox"/> 0 Loose Smut (<i>Ustilago tritici</i>) |
| <input checked="" type="checkbox"/> 0 Tan Spot (<i>Pyrenophora tritici-repentis</i>) | <input checked="" type="checkbox"/> 0 Flag Smut (<i>Urocystis agropyri</i>) |
| <input checked="" type="checkbox"/> 0 Halo Spot (<i>Selenophoma donacis</i>) | <input checked="" type="checkbox"/> 0 Common Bunt (<i>Tilletia tritici</i> or <i>T. laevis</i>) |
| <input checked="" type="checkbox"/> 0 <i>Septoria nodorum</i> (Glume Blotch) | <input checked="" type="checkbox"/> 0 Dwarf Bunt (<i>Tilletia controversa</i>) |
| <input checked="" type="checkbox"/> 0 <i>Septoria avenae</i> (Speckled Leaf Disease) | <input checked="" type="checkbox"/> 0 Karnal Bunt (<i>Tilletia indica</i>) |
| <input checked="" type="checkbox"/> 0 <i>Septoria tritici</i> (Speckled Leaf Blotch) | <input checked="" type="checkbox"/> 4 Powdery Mildew (<i>Erysiphe graminis</i> f. sp. <i>tritici</i>) |
| <input checked="" type="checkbox"/> 0 Scab (<i>Fusarium</i> spp.) | <input checked="" type="checkbox"/> 0 "Snow Molds" |

14. Disease (Continued) (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

- | | |
|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> "Black Point" (Kernel Smudge) | <input type="checkbox"/> Common Root Rot (<i>Fusarium</i> , <i>Cochliobolus</i> and <i>Bipolaris</i> spp.) |
| <input checked="" type="checkbox"/> Barley Yellow Dwarf Virus (BYDV) | <input type="checkbox"/> Rhizoctonia Root Rot (<i>Rhizoctonia solani</i>) |
| <input checked="" type="checkbox"/> Soilborne Mosaic Virus (SBMV) | <input type="checkbox"/> Black Chaff (<i>Xanthomonas campestris</i> pv. <i>translucens</i>) |
| <input checked="" type="checkbox"/> Wheat Yellow (Spindle Streak) Mosaic Virus | <input type="checkbox"/> Bacterial Leaf Blight (<i>Pseudomonas syringae</i> pv. <i>syringae</i>) |
| <input checked="" type="checkbox"/> Wheat Streak Mosaic Virus (WSMV) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Other (SPECIFY) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Other (SPECIFY) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Other (SPECIFY) | <input type="checkbox"/> Other (SPECIFY) |

15. INSECT: (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE SPECIFY BIOTYPE (where needed)

- | | |
|-----------------------------------------------------------------------------------|------------------------------------------|
| <input checked="" type="checkbox"/> Hessian Fly (<i>Mayetiola destructor</i>) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Stem Sawfly (<i>Cephus</i> spp.) | <input type="checkbox"/> Other (SPECIFY) |
| <input checked="" type="checkbox"/> Cereal Leaf Beetle (<i>Oulema melanopa</i>) | <input type="checkbox"/> Other (SPECIFY) |
| <input type="checkbox"/> Russian Aphid (<i>Diuraphis noxia</i>) | <input type="checkbox"/> Other (SPECIFY) |
| <input checked="" type="checkbox"/> Greenbug (<i>Schizaphis graminum</i>) | <input type="checkbox"/> Other (SPECIFY) |
| <input checked="" type="checkbox"/> Aphids | <input type="checkbox"/> Other (SPECIFY) |

16. ADDITIONAL INFORMATION ON ANY ITEM ABOVE, OR GENERAL COMMENTS

Hard Red Winter Wheat

Table 2. Quality analysis of CDC Falcon compared to the check varieties Rampart and Neeley performed by ConAgra Flour Mills Omaha, Nebraska.

<u>Description</u>	<u>Leco Wheat Protein</u>	<u>Wheat Fall No.</u>	<u>Test Weight</u>	<u>SKCS Hardness</u>	<u>BAKE ABS</u>	<u>BAKE MIX</u>	<u>BAKE VOLUME</u>
CDC FALCON	14.4	560	62.7	78	62.5	30	2625
RAMPART	15.3	459	63.6	85	62.5	60	2725
NEELEY	13.9	465	63.0	83	64.0	20	2700

<u>Description</u>	<u>DOUGH TOTAL SCORE (45)</u>	<u>EXTERNAL SCORE (10)</u>	<u>INTERNAL TOTAL (45)</u>	<u>SPONGE & DOUGH TOTAL (100)</u>
CDC FALCON	40	9	39	88
RAMPART	28	9	43	80
NEELEY	38	10	37	85

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) Western Plant Breeders, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER S94-4	3. VARIETY NAME CDC Falcon
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 8111 Timberline Drive Bozeman, MT. 59718	5. TELEPHONE (include area code) (406) 587-1218	6. FAX (include area code) (406) 586-8247
	7. PVPO NUMBER 200100279	
8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		

9. Is the applicant (individual or company) a U.S. national or U.S. based company? If no, give name of country		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
10. Is the applicant the original owner? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If no, please answer <u>one</u> of the following: a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If no, give name of country Canada b. If original rights to variety were owned by a company(ies), is(are) the original owner(s) a U.S. based company? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If no, give name of country Canada		

11. Additional explanation on ownership (if needed, use reverse for extra space):

Ownership has been granted to Western Plant Breeders, Inc. by the University of Saskatchewan - see attached document.

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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STD-470-E (07-97) (Destroy previous editions).

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January 18, 2001

TO WHOM IT MAY CONCERN

The variety CDC Falcon hard red winter wheat for which Plant Variety Protection is sought was developed by the University of Saskatchewan's Crop Development Centre. By agreement between the University of Saskatchewan and Western Plant Breeders, Inc., 8111 Timberline Drive, Bozeman, Montana, 59718 U.S.A., Western Plant Breeders, Inc. has been given all rights of ownership for Plant Variety Protection in the United State of America.

Sincerely,

A handwritten signature in cursive script, appearing to read "F. A. Holm".

F.A. (Rick) Holm, P. Ag.
Director

FAH:kmd